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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,062	07/24/2000	Shoicho Hirota	81940.0001	6479
26021	7590	12/02/2003	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			AKKAPEDDI, PRASAD R	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action	Application No. 09/624,062	Applicant(s) HIROTA ET AL.	
	Examiner Prasad R Akkapeddi	Art Unit 2871	

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

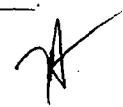
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments have been fully considered but are considered to be moot for the following reasons:

(a) The applicant argues that Suzuki reference does not teach that the polarization of the light at the reflecting palne of the reflecting electrode being substantially circularly polarized. The instant application focuses on optimizing the liquid crystal parameters as well as the other parameters (pages 15-22 of the present application).

Examiner's reply: Applicant assumes that the liquid crystal will likely change the polarization (page 2, line 24). However on the contrary, assuming that the liquid crystal will not change the polarization (likely due to the effect of various parameters such as the orientation of the molecules and the applied voltages etc.), when a circularly polarized light passes through the liquid crystal layer and arrives at the reflection plane of a reflector located at the back side, it will stay circular. Besides, Suzuki's teachings apply to an approximately circularly polarized light. Hence, even when the liquid crystal likely changes the polarization, as alleged by the applicant, the birefringence nature of the liquid crystal molecules will impart additional retardation value and the light emerging out of the liquid crystal layer will likely be perfectly circular. Regarding the focus of the current application, Examiner agrees with the applicant that these optimization details are not a limitation of the present claims. However, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., optimization of the liquid crystal parameters) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(b) The applicant argues that Itoh does not teach the specific polarization state of light between the phase plate and the liquid crystal layer as recited in the present claims (page 3, lines 16-18).

Examiner's reply: Examiner respectfully disagrees with the applicant. Itoh teachings does apply to phase plate type LCD as mentioned a number of times in the reference. Itoh discloses that the operation of the birefringent media and the phase plate can be evaluated on the Poincare sphere (col. 9, lines 41-43). Liquid crystal materials are an example of birefringent media. In Figs. 1, 18 and 37, Itoh clearly shows the projections of the Stokes parameters on the S1-S2 plane constitute a substantially linear line for various wavelengths, thus meeting the instant claim limitations.

PRA